

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

Through: Townsley Schwab, Senior Director of Environmental & Planning Resources *TS*
Mitch Harvey, AICP, Comprehensive Plan Manager *MH*

From: Kathy Grasser, Comprehensive Planner *KG*

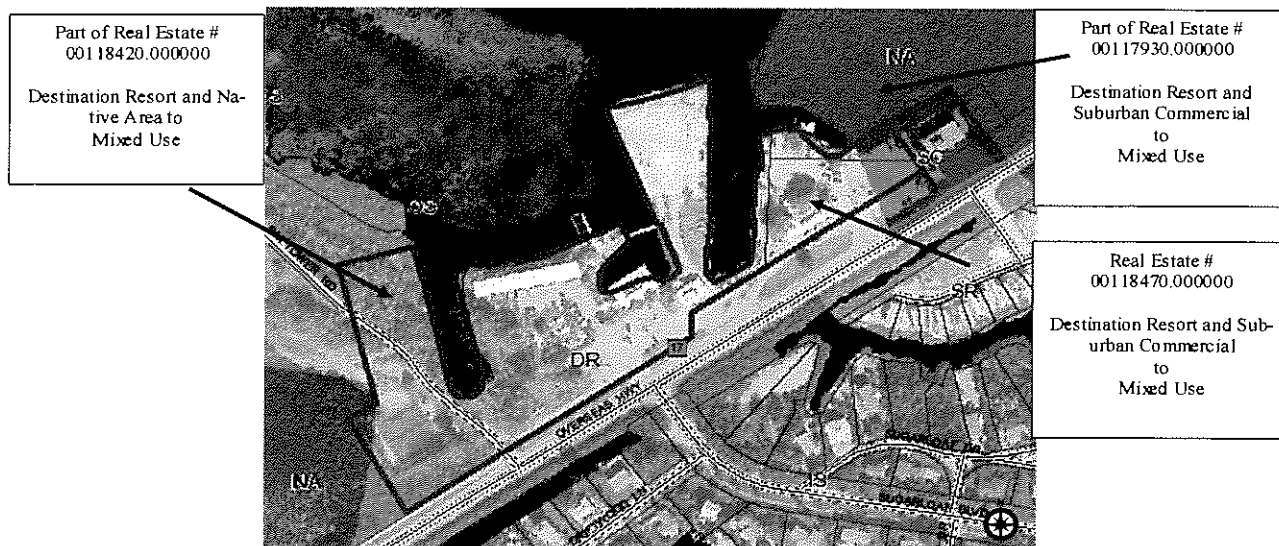
Date: April 22, 2010

Subject: Request for Amendment to the Land Use District Map by Mr. Lloyd A. Good, Jr., 17001 & 17075 Overseas Highway, Sugarloaf Key, Florida 33042, Mile Marker 17, Real Estate Number 00118420.000000, 00118470-00000 & 00117930-000000

Meeting: April 28, 2010

I. REQUEST

A request by Lloyd A. Good, Jr., to amend the current Land Use District (LUDD) designation from Destination Resort (DR), Sub Urban Commercial (SC) and Native Area (NA) to Mixed Use (MU) for the entire real estate number 00118470.00000 and portions of real estate numbers 00118420.000000 and 00117930.000000, simultaneously with the proposed overlay district requested by Monroe County Staff for the same geographic area.



Address: 17001 – 17075 Overseas Highway, Lower Sugarloaf Key
Florida, Mile Marker 16 – 17

Real Estate Numbers: All of RE 00117930.000000
A portion of RE 00118420.000000
A portion of RE 00118470.000000

Applicant/Property Owner: Lloyd A. Good, Jr.

Description:

A portion of Government Lot 3 and portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida at 17001 Overseas Highway, Lower Sugarloaf Key, at approximately Mile Marker 17.

II. PROCESS

Amendments may be proposed by the Board of County Commissioners (BOCC), the Planning Commission, the Director of Planning, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process map amendment applications as they are received and pass them onto the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The Planning Commission and the BOCC shall each hold at least one public hearing on a proposed amendment. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the BOCC. The BOCC shall consider the report and recommendation of and the testimony given at the public hearings and may either deny the application or adopt an ordinance approving the proposed amendment. Ordinances are then reviewed by the Florida Department of Community Affairs.

III. BACKGROUND INFORMATION

An application was received for FLUM and LUDD amendments to the subject properties on June 24, 2008. On June 2, 2009, the BOCC adopted Ordinance 019-2009 amending the Residential Conservation (RC) to Mixed Use / Commercial (MC) on a 379ft² piece of land. Currently, the Native Area (NA) land use district within the subject area is nonconforming with the current FLUM of MC.

1 The tier for Real Estate number 00118420.000000 has been undesignated pursuant to
2 Final Order Number DC07-GM-166. The parcel will be evaluated by the Tier
3 Designation Committee and recommendations made to the BOCC.
4

5 The property owner of this site requested a Mixed Use Land Use District designation for
6 this area. Monroe County staff agrees that the uses permitted in the Mixed Use Land Use
7 District are consistent with the overall intended land use characteristics appropriate for
8 this geographic area. However, the density and intensity of the Mixed Use Land Use
9 District are not characteristic of the existing, surrounding area, nor is it consistent with
10 the vision or future proposed density and intensity of the area. To accomplish the uses
11 desired for the community, as well as the provision of smart growth principals, Monroe
12 County staff has proposed an overlay district to be adopted simultaneously with the
13 proposed land use district designation.
14

15 The LUDD amendment does not guarantee future development for the three (3) parcels.
16 Currently, Growth Management does not have any pending applications for development
17 on this property. When or if, Growth Management receives an application, it will be
18 addressed at that time.
19

20 **Boundary Survey**

21 Total Land: (Prepared by Mr. Fred Hildebrandt)

22 A portion of Government Lot 3 and Portion of Government Lot 4, Section 3,
23 Township 67 South, Range 27 East and a portion of Government Lot 3, Section
24 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida
25 and being more particularly described as follows (All references to Government
26 Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):
27

28 Begin at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State
29 Road No. 5) and the West Line of Government Lot 3, of said Section 3; thence
30 N.00°16'32"E., along the said Government Lot Line a distance of 60.28 feet;
31 thence N.56°19'10"E., along the said Northwesterly Right-of-Way Line of U.S.
32 Highway No. 1 a distance of 644.56 feet; thence N.33°41'00"W., a distance of
33 110.00 feet; thence N.56°19'10"E., a distance of 157.47 feet thence meander the
34 Mean High Tide Line along natural shoreline, Concrete Seawalls, and man made
35 canals for the following 112 metes and bounds; thence S.89°59'13"W., a distance
36 of 39.25 feet; thence S.63°40'43"W., a distance of 125.84 feet; thence
37 S.52°19'26"W., a distance of 139.22 feet; thence S.81°00'25"W., a distance of
38 28.60 feet; thence N.49°28'21"W., a distance of 36.77 feet; thence
39 N.44°25'27"W., a distance of 56.18 feet; thence N.83°14'35"W., a distance of
40 35.52 feet; thence S.73°27'37"W., a distance of 55.45 feet; thence
41 S.16°04'40"W., a distance of 11.80 feet; thence S.08°43'26"E., a distance of
42 47.16 feet; thence S.03°53'20"W., a distance of 14.59 feet; thence S.15°36'18"W.,
43 a distance of 14.67 feet; thence N.88°55'31"W., a distance of 8.77 feet; thence
44 S.03°25'47"W., a distance of 99.98 feet; thence S.02°57'49"W., a distance of
45 17.80 feet; thence S.05°37'36"E., a distance of 27.23 feet; thence S.04°18'37"W.,

a distance of 80.00 feet; thence S.29°03'10"W., a distance of 8.24 feet; thence S.58°12'03"W., a distance of 94.46 feet; thence N.44°15'14"W., a distance of 27.06 feet; thence N.05°53'54"W., a distance of 25.96 feet; thence N.00°27'22"E., a distance of 17.67 feet; thence N.06°04'01"E., a distance of 27.63 feet; thence N.08°28'38"E., a distance of 18.79 feet; thence N.05°15'40"E., a distance of 45.38 feet; thence N.03°11'25"W., a distance of 68.18 feet; thence N.01°01'22"E., a distance of 189.87 feet; thence N.89°07'33"W., a distance of 4.34 feet; thence N.00°59'43"E., a distance of 79.47 feet; thence N.07°26'49"W., a distance of 9.10 feet; thence N.80°53'10"W., a distance of 10.77 feet; thence S.70°37'47"W., a distance of 107.27 feet; thence S.75°11'06"W., a distance of 110.85 feet; thence N.31°25'52"W., a distance of 7.55 feet; thence S.45°41'00"W., a distance of 20.00 feet; thence S.12°56'49"E., a distance of 17.13 feet; thence S.23°15'23"E., a distance of 148.59 feet; thence S.22°11'53"E., a distance of 87.98 feet; thence S.22°07'09"E., a distance of 53.48 feet; thence S.89°05'36"E., a distance of 11.23 feet; thence S.17°43'53"E., a distance of 22.70 feet; thence S.21°46'32"E., a distance of 46.95 feet; thence S.24°32'10"E., a distance of 32.10 feet; thence S.16°46'14"E., a distance of 25.08 feet; thence S.82°11'34"W., a distance of 7.57 feet; thence S.46°06'51"W., a distance of 15.15 feet; thence S.40°40'00"W., a distance of 8.26 feet; thence S.75°50'28"W., a distance of 27.17 feet; thence N.34°49'37"W., a distance of 9.41 feet; thence N.86°53'25"W., a distance of 13.76 feet; thence S.79°27'09"W., a distance of 14.28 feet; thence S.74°36'52"W., a distance of 18.07 feet; thence S.62°19'33"W., a distance of 46.19 feet; thence S.64°17'02"W., a distance of 13.39 feet; thence S.56°50'06"W., a distance of 6.88 feet; thence S.75°59'06"W., a distance of 3.58 feet; thence N.83°26'32"W., a distance of 14.66 feet; thence N.66°30'52"W., a distance of 3.03 feet; thence N.34°15'31"W., a distance of 2.61 feet; thence N.07°05'54"W., a distance of 3.06 feet; thence N.38°42'24"W., a distance of 2.31 feet; thence N.54°10'15"W., a distance of 4.07 feet; thence N.30°57'03"W., a distance of 4.14 feet; thence N.08°54'19"W., a distance of 17.54 feet; thence N.07°24'27"E., a distance of 11.48 feet; thence N.26°55'05"E., a distance of 20.95 feet; thence N.36°45'25"E., a distance of 8.54 feet; thence N.39°54'31"E., a distance of 8.27 feet; thence N.42°41'53"E., a distance of 8.81 feet; thence N.45°02'39"E., a distance of 10.01 feet; thence N.46°00'46"E., a distance of 10.52 feet; thence N.43°30'16"E., a distance of 22.20 feet; thence N.36°38'25"E., a distance of 9.34 feet; thence N.27°19'49"E., a distance of 8.71 feet; thence N.09°53'03"E., a distance of 8.12 feet; thence N.14°25'46"W., a distance of 5.77 feet; thence N.29°34'21"W., a distance of 8.10 feet; thence N.27°43'11"W., a distance of 8.27 feet; thence N.19°14'14"W., a distance of 6.80 feet; thence N.21°40'53"W., a distance of 7.56 feet; thence N.39°27'59"W., a distance of 3.20 feet; thence N.67°23'31"W., a distance of 2.51 feet; thence S.83°41'23"W., a distance of 3.79 feet; thence S.62°02'51"W., a distance of 11.10 feet; thence S.55°00'14"W., a distance of 96.97 feet; thence S.58°44'30"W., a distance of 27.82 feet; thence S.71°47'47"W., a distance of 29.56 feet; thence S.66°18'30"W., a distance of 129.11 feet; thence S.77°18'41"W., a distance of 49.70 feet; thence N.89°13'39"W., a distance of 18.11 feet; thence S.80°45'45"W., a distance of 75.01 feet; thence N.76°26'39"W.,

a distance of 10.79 feet; thence S.86°24'08"W., a distance of 12.48 feet; thence S.63°10'25"W., a distance of 19.95 feet; thence S.50°26'45"W., a distance of 9.58 feet; thence S.65°06'48"W., a distance of 5.74 feet; thence S.02°28'04"W., a distance of 15.86 feet; thence S.30°01'28"W., a distance of 12.67 feet; thence S.44°36'29"E., a distance of 15.15 feet; thence S.15°09'31"E., a distance of 195.02 feet; thence S.15°49'58"E., a distance of 26.50 feet; thence S.06°58'48"E., a distance of 24.39 feet; thence S.17°44'08"W., a distance of 19.93 feet; thence S.39°59'05"W., a distance of 10.31 feet; thence S.54°24'35"W., a distance of 10.99 feet; thence S.68°48'10"W., a distance of 11.09 feet; thence S.89°58'27"W., a distance of 21.32 feet; thence N.65°14'43"W., a distance of 10.86 feet; thence N.47°15'08"W., a distance of 12.74 feet; thence N.28°56'26"W., a distance of 19.18 feet; thence N.13°02'50"W., a distance of 63.96 feet; thence N.13°01'37"W., a distance of 70.92 feet; thence N.13°36'04"W., a distance of 113.63 feet; thence N.15°10'25"W., a distance of 100.91 feet; thence N.59°53'45"W., a distance of 5.95 feet; thence S.75°02'38"W., and leaving the said shoreline a distance of 175.86 feet; thence S.14°57'22"E., a distance of 356.02 feet; thence S.59°39'59"W., a distance of 77.48 feet; thence S.30°16'10"E., a distance of 269.50 feet to the said Northwesterly Right-of-Way line of U.S. Highway no. 1; thence N.56°19'10"E., along the said Northwesterly Right-of-Way line of U.S. Highway No. 1 a distance of 792.73 feet to the Point of Beginning. Parcel contains 481,358 square feet or 10.59 acres, more or less.

IV. RELEVANT PRIOR COUNTY ACTIONS

On December 16, 2008, the Planning Commission approved Resolution P39-08 recommending approval to the BOCC amending the FLUM from Residential Conservation (RC) to Mixed Use / Commercial (MC).

On January 26, 2009, the BOCC approved Resolution 002-2009 transmitting an ordinance for adoption to the Department of Community Affairs (DCA). There were no objections, recommendations or comments from the DCA on the proposed FLUM amendment.

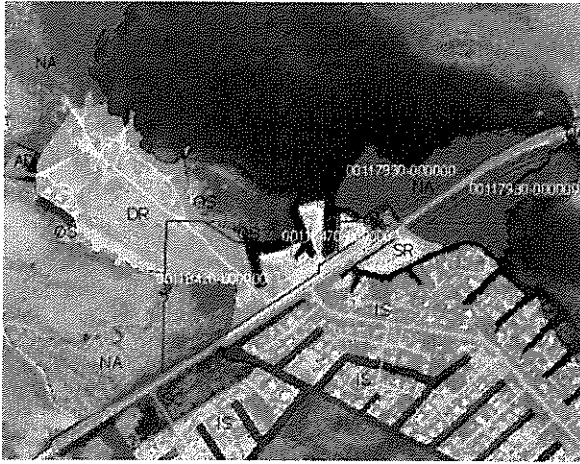
On June 2, 2009, the BOCC adopted Ordinance 019-2009 amending a FLUM change on real estate number 00118420.000000 and only on the triangular portion located 110 feet west of Bat tower Road near U. S. 1 from Residential Conservation (RC) to Mixed Use / Commercial (MC).

V. PARCEL INFORMATION

There are three parcels related to the proposed LUDD amendment.

1. RE number 00118420.000000 is 26.39 acres
 2. RE number 00118470.000000 is 1.55 acres
 3. RE number 00117930.000000 is 15.61 acres
- Total Acreage of the three (3) parcels is 43.55 Acres

1 There is a motel, office, restaurant, marina, real estate office and auto repair shop on the
2 site.
3



The surrounding land use districts contain Native Area, Destination Resort, Off Shore Islands, Suburban Commercial and Improved Subdivision.

VI. PROPOSED AMENDMENT SITE INFORMATION

The property owner of this land requested a land use district map amendment for Mixed Use. The Mixed Use category permits extensive intensity found to be inconsistent with the surrounding character of the community.

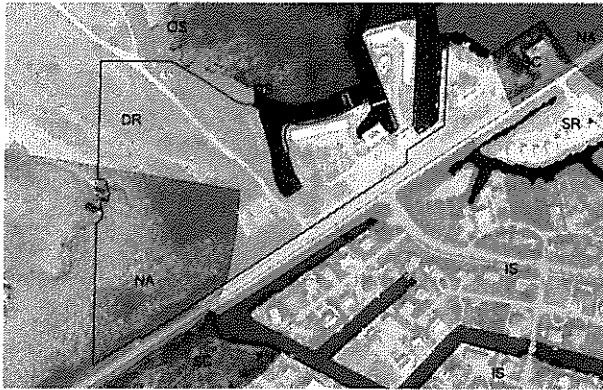
The boundary of the proposed amendment encompasses 10.59 acres and is shown on the attached Exhibit A survey from Island Surveying. There are three parcels within the boundary and three different land use district designations. The three parcels have real estate numbers 00118470.000000, 00118420.000000 and 00117930.000000. The three land use districts designations are Native Area, Suburban Commercial and Destination Resort.

The following table is a breakdown of the land use districts in acres:

Land Use District Designation Existing	Acres
Native Area (NA) LUDD	0.010 acres
Suburban Commercial (SC) LUDD	0.460 acres
Destination Resort (DR) LUDD	10.12 acres
Proposed Amended Mixed Use (MU) LUDD	10.59 acres

1 The following is a breakdown of the three parcels. Data includes total parcel size, size of
2 the proposed amendment, land use districts, tier designations and existing vegetation and
3 habitat.
4

5 **1. Real Estate Number 00118420.000000**



The total size of RE 00118420.000000 is 26.39 acres. The Property Appraiser has classified the parcel as 'Hotel / Motel.' The parcel has a land use code of Commercial / Highway / Water Transitional Lands and Environmentally Sensitive. The parcel is located in the AE – EL 11 and VE – EL 12 flood zone.

15 Only 8.45 acres of the parcel is proposed to be amended to Mixed Use Land Use District
16 Designation (MU LUDD). Currently, it is located in the Destination Resort (DR) and
17 Native Area (NA) land use districts.
18
19
20

21 **Tier Designation**

22 The tier designation for this parcel is undesignated. The Florida Coalition challenged
23 approximately 3,000 Monroe County parcels on their tier designations. The Tier
24 Designation Review Committee (TDRC) is in the process of reviewing and will formally
25 recommend appropriate tier designations for each parcel, including this parcel.
26

27 **Existing Vegetation / Habitat**

28 The existing vegetation and habitat of the parcel is scarified and developed. Along the
29 western canal there is some exotic vegetation. The subject parcel is located in the Marsh
30 Rabbit Buffer, but not the habitat. There are no other endangered species listed for the
31 subject area.
32
33

42 **2. Real Estate Number 00118470.0000**



The total size of the parcel RE 00118470.000000 is 1.55 acres. The Property Appraiser has classified this parcel as 'store, office, residential or a combination of these uses.' The parcel has a land use code designation of commercial / highway / water. The parcel is located in the AE, VE (EL 12) flood zone.

The entire 1.55 acres is included in the proposed amendment. The parcel is currently located in the Destination Resort

and Suburban Commercial Land Use District Designations.

Tier Designation

The parcel is located in a Tier 3 designation.

Existing Vegetation / Habitat

The existing vegetation and habitat of the parcel is developed. It is located in the Marsh Rabbit Buffer, but not in the habitat.

3. Real Estate Number 00117930.000000



The total size of RE 00117930.000000 is 15.61 acres. The Property Appraiser has classified this parcel as 'Non-Agriculture Acreage, consisting of five (5) acres or more.' The parcel has a land use code of Environmentally Sensitive. The parcel is located in the AE, VE (EL 12) flood zone.

Only 0.59 acres of the parcel is proposed to be amended to Mixed Use Land Use

District Designation. Currently, it is located in the Suburban Commercial (SC) and Native Area (NA) land use districts.

Tier Designation

The parcel has both Tier 1 and Tier 3 designations.

Existing Vegetation/Habitat

The existing vegetation and habitat directly behind the Lower Sugarloaf Key Volunteer Fire Department is scarified. The subject parcel is located in the Marsh Rabbit Buffer, but not in the habitat. No other endangered species are listed. The remaining parcel, not included in this amendment, is mangroves.

V. APPLICANT RESPONSE FROM AMENDMENT APPLICATION

Recognition of a need for additional detail or comprehensiveness;

The use of the area as a bank or real estate office or tire repair shop is nonconforming in the DR zone but not in the MU zone.

Data errors:

Any portion of the area RE 00118420-000000 zoned as NA should have originally been DR. This area is NA should now be MU.

Data updates:

1 This property has traditionally been used for the uses permitted in a mixed use
2 zone as distinguished from the DR zone.

3
4 *Comments:*

5 The uses proposed for the mixed use zone are consistent with the uses the area has
6 had for over forty years.
7

8 **VI. STAFF RESPONSE**

9 The proposed amendment is consistent with the provisions and intent of the Monroe
10 County Code, Section 130-88 Mixed Use (MU) District purpose which states:

11
12 'to establish or conserve areas of mixed uses, including
13 commercial fishing, resorts, residential, institutional and
14 commercial uses, and preserve these as areas representative of the
15 character, economy and cultural history of the Florida Keys.'
16

17 **VII. CONSISTENCY WITH COMPREHENSIVE PLAN**

18 The proposed Mixed Use Land Use District Designation amendment, as a
19 corresponding recommended land use amendment to be adopted simultaneously with
20 the proposed overlay district requested by the Monroe County Staff, is consistent with
21 the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment
22 furthers:
23

- 24 1. Goal 101: Monroe County shall manage future growth to enhance the
25 quality of life, ensure the safety of County residents and visitors, and
26 protect valuable natural resources. [9J-5.006(3)a]
27
- 28 2. Objective 101.4: Monroe County shall regulate future development and
29 redevelopment to maintain the character of the community and protect the
30 natural resources by providing for the compatible distribution of land uses
31 consistent with the designations shown on the Future Land Use Map.
32
- 33 3. Goal 105: Monroe County shall undertake a comprehensive land
34 acquisition program and smart growth initiatives in conjunction with its
35 Livable CommuniKeys Program in a manner that recognizes the finite
36 capacity for new development in the Florida Keys by providing economic
37 and housing opportunities for residents without compromising the
38 biodiversity of the natural environment and the continued ability of the
39 natural and manmade systems to sustain livable communities in the
40 Florida Keys for future generations.
41
- 42 4. Objective 105.1: Monroe County shall implement smart growth initiatives
43 in conjunction with its Livable CommuniKeys and Land Acquisition
44 Programs which promote innovative and flexible development processes
45 to preserve the natural environment, maintain and enhance the community

1 character and quality of life, redevelop blighted commercial and
2 residential areas, remove barriers to design concepts, reduce sprawl, and
3 direct future growth to appropriate infill areas.
4

5 **VIII. CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS**

6 The proposed Mixed Use Land Use District Designation amendment, as a
7 corresponding recommended land use amendment to be adopted simultaneously with
8 the proposed overlay district requested by the Monroe County Staff, is consistent with
9 the Monroe County Land Development Regulations. Specifically, the amendment
10 furthers:
11

12 MCC Section 102-158(d)(5)b(v) '*Recognition of a need for additional detail or*
13 *comprehensiveness*' based on the following data and analysis.
14

15 **IX. PROPERTY HISTORY**

16 In 1960, a 24-unit motel building was built. At one time there was the existence of
17 fifty-five (55) transient dwellings and one (1) permanent dwelling located in the motel
18 office. There are five (5) buildings on RE 00118420.000000. Accordingly, in a letter
19 of Development Rights Determination dated August 9, 2006, staff determined that
20 twenty-four (24) transient dwelling units in the eastern wing of the motel and thirty-one
21 (31) transient dwelling units in the western wing of the motel are lawfully-established.
22 As of April 9, 2008, Building Permit 081-1303 was issued to demolish the 24-unit
23 motel, a pool, and a lift station. The structures were demolished soon after the permit
24 was issued.
25

26 There are three (3) existing lawfully-established non-residential structures on the parcel
27 which consist of a motel office and lobby building, restaurant and marina.
28

29 **X. LAND USE HISTORY**

30 Prior to 1986, the parcels had land use district designations of Business Use,
31 Residential Tourist and General Use.
32

33 Business Use

34 The Business Use land use district was mainly located on RE 00118420.000000
35 and RE 00118470.000000 where the hotel and retail structures are located today.
36 The BU land use district permitted professional services, business services, banks,
37 post offices, ticket offices, drug stores, and other retail services were permitted.
38 This district was intended to protect and enhance the areas best suited for
39 preservation of businesses related to neighborhood, tourist, and resort retail sales
40 and business, personal and professional services.
41

42 Residential Tourist

43 The Residential Tourist (RU-7) land use district was located on RE
44 00118420.000000 where the tennis court stands today. The RU-7 land use district
45 was located mainly on the western side of this parcel. The land use district

provided an area for accommodations oriented to the transient and resort trade, with a residential character, hotels, motels, tourist accommodations, marinas and resorts were principal permitted uses.

General Use District

The General Use land use district designation was located at the northern most and the far northeastern side of RE number 00118420.000000. This land use district did not allow for the development or redevelopment of any structure except for single family dwellings and clubs. This district was established as an interim land classification pending action to rezone the property to a residential, business or industrial classification. Marinas were not listed in this land use category.

After 1986, the parcels were amended to Suburban Commercial, Destination Resort and Native Area land use district designations.

Suburban Commercial Land Use District

After the 1986 zoning took effect, the area surrounding the fire station and part of the western side of parcel RE 00117930.000000 were rezoned to Suburban Commercial (SC). The purpose of the SC district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are allocated. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.

The permitted uses of the SC LUDD are commercial retail, low- and medium-intensity and office uses of less than 2,500 ft² of floor area, institutional residential uses of less than ten (10) dwelling units, commercial apartments of less than six (6) dwelling units and accessory use are permitted as of right.

Commercial retail, low- and medium-intensity and offices uses of less than 10,000ft² of floor area, commercial retail uses of high intensity of less than 2,500 ft² of floor area, institutional residential uses involving ten to twenty dwelling units, commercial apartments of six to eighteen dwelling units and hotels of fewer than 25 rooms are permitted as minor conditional uses subject to certain criteria.

Commercial retail of low- and medium-intensity and office uses of greater than 10,000ft² of floor area, commercial retail uses of high intensity greater than 2,500ft² of floor area, institutional residential uses of 20 or more dwelling units, hotels providing more than 25 rooms and marinas are permitted as a major conditional use subject to certain criteria.

Destination Resort Land Use District

After 1986, most of RE 00118470.000000 and RE 00118420.000000 were rezoned to the Destination Resort (DR) land use district designation. The purpose

of Destination Resort is 'To establish areas suitable for the development of planned tourist centers proving on-site residential, recreational, commercial and entertainment facilities of a magnitude sufficient to attract visitors and tourists for tenancies of three or more days.'

The permitted uses of the DR LUDD are single family detached dwellings and vacation rentals. One or more resort hotels subject to certain criteria are permitted with a minor conditional use. Marinas, employee and attached residential dwelling units are permitted as a major conditional use subject to certain criteria.

XI. MIXED USE LAND USE DISTRICT PROPOSED AMENDMENT

The applicant is proposing to amend 10.59 acres of Destination Resort, Suburban Commercial and a small portion of Native Area land use district designations to Mixed Use land use district designation (Boundary Survey, Exhibit A).

Mixed Use Proposed Land Use District

The proposed amendment will change one parcel (RE 00118470.000000) and portions of two parcels (RE 00117930.000000 and RE 00118420.000000) from Destination Resort (DR), Suburban Commercial (SC) and Native Area (NA) land use district to Mixed Use (MU) land use district designation.

The purpose of the Mixed Use Land Use District is 'To establish or conserve areas of mixed use, including commercial fishing, resorts, and residential, institutional and commercial uses and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.'

Permitted Uses of the Mixed Use LUDD:

Detached residential dwellings, commercial retail and low- and medium-intensity and office uses of less than 2,500ft², institutional uses, residential uses of less than ten dwelling units, commercial apartments involving less than six dwelling units and accessory uses are permitted as of right.

Attached residential dwelling units, commercial recreational uses, commercial retail, low- and medium-intensity and offices of less than 10,000ft² of floor area, high-intensity commercial retail uses of less than 2,500ft² and commercial apartments involving six to 18 dwelling units are permitted as a minor conditional use are subject to certain criteria.

Commercial retail, low- and medium-intensity uses and offices of less than 10,000ft² of floor area, commercial retail, high-intensity uses and office uses of greater than 2,500 ft², attached residential dwelling units, marinas, and hotels providing more than 50 rooms are permitted as a major conditional use with certain conditions.

1 Conditional uses in the MU land use category require individual review of
2 their location, design and configuration and the imposition of conditions in
3 order to ensure the appropriateness of the use at a particular location.
4

5 The auto body repair shop and real estate office are located in the Destination
6 Resort land use district designation (LUDD). These uses are nonconforming in
7 the Destination Resort LUDD.
8

9 In 2009, a proposed FLUM amendment, on 379ft² of land, was adopted by
10 Ordinance 019-2009 amending the future land use map of Residential
11 Conservation to Mixed Use / Commercial. Currently, the land use district
12 designation of Native Area is not consistent with the future land use map of
13 Mixed Use / Commercial.
14

15 By amending the land use district designation from DR, SC and NA to MU
16 LUDD will allow the auto body repair shop and the real estate office to come into
17 conformity with the Land Development Regulations and MC Comprehensive
18 Plan.
19

20 VII. DENSITIES AND INTENSITIES

21 NATIVE AREA, SUBURBAN COMMERCIAL AND DESTINATION RESORT

22 Three different land use designations (NA, SR and DR) and corresponding site size were
23 used to calculate the maximum densities and intensities allowed in each land use.
24

25 NATIVE AREA

26 The following tables illustrate the size and the Maximum Residential Density of the
27 Native Area land use district:

Maximum Residential Densities in NA (Allocated) – Sec 130-157				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	0.25/acre	0.010 acres	0 units	0 units
NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.				

SUBURBAN COMMERCIAL

The following tables illustrate the size and the Maximum Residential Density (allocated and maximum net density) of the Suburban Commercial land use district:

Maximum Residential Densities in SC (Allocated) – Sec 130-157				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	3 units/acre	0.47 acres	1.41 units	1 units
Permanent Residential (affordable / employee)	3 units/acre	0.47 acres	1.41 units	2 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Residential Densities in SC (Maximum Net Density) – Sec 130-157					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	6 units/buildable acre	0.2	0.47 acres (0.38 buildable acres)	2.34 units	2 units
Permanent Residential (affordable employee housing)	15 units/buildable acre	0.2	0.47 acres (0.38 buildable acres)	5.85 units	6 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.

NOTE: The maximum net residential density allowed per district shall not require transferable development rights (TDR) for affordable and employee housing and market rate housing developed in accordance with sec. 130-161(a)(8).

The following tables illustrate the size and the maximum hotel-motel, RV and institutional residential densities (allocated and maximum net density) in the Suburban Commercial land use district:

Maximum Hotel-Motel, RV & Institutional Residential Densities in SC (Allocated) – Sec 130-162				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Institutional Residential	5 units/acre	0.47 acres	2.35 units	2 units
Hotel	10 units/acre	0.47 acres	4.7 units	4 units
Recreational Rental	10 spaces/acre	0.47 acres	4.7 spaces	4 spaces

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Hotel-Motel, RV & Institutional Residential Densities in SC (Maximum Net Density) – Sec 130-162					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Institutional Residential	20 units/buildable acre	0	0.47 acres	9.4 units	9 units
Hotel	15 units/buildable acre	0	0.47 acres	7.05 units	7 units
Recreational Rental	10 spaces/buildable acre	0	0.47 acres	4.7 units	4 spaces

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.

The following tables illustrate the size and the Maximum nonresidential land use intensity of the Suburban Commercial land use district:

Maximum nonresidential land use intensities in SC – Sec 130-164			
Permitted Land Uses	FAR	Size of Site	Max Allowed
Commercial Retail (Low)	0.35	20,473 ft ²	7,166 ft ²
Commercial Retail (Medium)	0.25	20,473 ft ²	5,118 ft ²
Commercial Retail (High)	0.15	20,473 ft ²	3,071 ft ²
Office	0.4	20,473 ft ²	8,189 ft ²
Commercial Recreational	0.1	20,473 ft ²	2,0473 ft ²
Institutional	0.3	20,473 ft ²	6,142 ft ²
Outdoor Recreational	0.1	20,473 ft ²	2,0473 ft ²
Public	0.3	20,473 ft ²	6,142 ft ²
Light Industrial	0.3	20,473 ft ²	6,142 ft ²
NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.			

DESTINATION RESORT

The following tables illustrate the size and the Maximum Residential Density (allocated and maximum net density) in the Destination Resort land use district:

Maximum Residential Densities in DR (Allocated) – Sec 130-157				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	1 units/acre	10.12 acres	10.12 units	10 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Residential Densities in DR (Maximum Net Density) – Sec 130-157					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Permanent Residential (affordable employee housing)	18 units/buildable acre	0.2	10.12 acres (8.096 buildable acres)	145.73 units	145 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.

NOTE: The maximum net residential density allowed per district shall not require transferable development rights (TDR) for affordable and employee housing and market rate housing developed in accordance with sec. 130-161(a)(8).

The following tables illustrate the size and maximum hotel-motel, RV and institutional residential densities (allocated and maximum net density) in the Destination Resort land use district:

Maximum Hotel-Motel, RV & Institutional Residential Densities in DR (Allocated) – Sec 130-162				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Hotel	10 units/acre	10.12 acres	101.2 units	101 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Hotel-Motel, RV & Institutional Residential Densities in DR (Maximum Net Density) – Sec 130-162					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Hotel	25 units/ buildable acre	0.2	10.12 acres (8.09 buildable acres)	202.4 units	202 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.

The following tables illustrate the size and the maximum nonresidential land use intensities in the Destination Resort land use district:

Maximum nonresidential land use intensities in DR – Sec 130-164			
Permitted Land Uses	FAR	Size of Site	Max Allowed
Commercial Retail (Low)	0.35	440,827ft ²	154,289 ft ²
Commercial Retail (Medium)	0.25	440,827ft ²	110,207 ft ²
Commercial Retail (High)	0.15	440,827ft ²	66,124 ft ²
Institutional	0.3	440,827ft ²	132,248 ft ²

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

The following tables illustrate the size and the maximum residential densities (allocated and maximum net density) in the Mixed Use land use district:

Maximum Residential Densities in MU (Allocated) – Sec 130-157				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	3 units/acre	10.12 acres	32.58 units	32 units
Permanent Residential (affordable / employee)	1 units/acre	10.12 acres	10.86 units	10 unit

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Residential Densities in MU (Maximum Net Density) – Sec 130-157					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Permanent Residential (market-rate commercial apartments)	12 units/buildable acre	0.2	10.59 acres (8.69 buildable acres)	104.28 units	104 units
Permanent Residential (affordable employee housing)	18 units/buildable acre	0.2	10.59 acres (8.69 buildable acres)	156.42 units	156 units

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.

NOTE: The maximum net residential density allowed per district shall not require transferable development rights (TDR) for affordable and employee housing and market rate housing developed in accordance with sec. 130-161(a)(8).

The following tables illustrate the size and maximum hotel-motel, RV and institutional residential densities (allocated and maximum net density) in the Mix Use land use district:

Maximum Hotel-Motel, RV & Institutional Residential Densities in MU (Allocated) – Sec 130-162				
Permitted Land Uses	Allocated Density	Size of Site	Total Units	Max Allowed
Institutional Residential	5 units/acre	10.59 acres	54.3 units	54 units
Hotel	10 units/acre	10.59 acres	108.6 units	108 units
Recreational Rental	10 spaces/acre	10.59 acres	108.6 spaces	108 spaces

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

Maximum Hotel-Motel, RV & Institutional Residential Densities in MU (Maximum Net Density) – Sec 130-162					
Permitted Land Uses	Max Net Density	Required Open Space	Size of Site	Total Units	Max Allowed
Institutional Residential	20 units/ buildable acre	0.2	10.59 acres (8.69 buildable acres)	173.8 units	173 units
Hotel	15 units/ buildable acre	0.2	10.59 acres (8.69 buildable acres)	130.35 units	130 units
Recreational Rental	10 spaces/ buildable acre	0.2	10.59 acres (8.69 buildable acres)	86.9 units	86 spaces

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

NOTE: Net buildable area means that portion of a parcel of land that is developable and is not open space required by sec. 130-157 or required minimum bufferyard under chapter 114, article V or required setbacks under sec. 130-186.

The following tables illustrate the size and maximum nonresidential land use intensities in the Mixed Use Land use district:

Maximum nonresidential land use intensities in MU – Sec 130-164			
Permitted Land Uses	FAR	Size of Site	Max Allowed
Commercial Retail (Low)	0.35	378,450 ft ²	132,456 ft ²
Commercial Retail (Medium)	0.25	378,450 ft ²	94,613 ft ²
Commercial Retail (High)	0.15	378,450 ft ²	56,768 ft ²
Office	0.4	378,450 ft ²	151,380 ft ²
Commercial Recreational	0.1	378,450 ft ²	37,845 ft ²
Institutional	0.3	378,450 ft ²	113,535 ft ²
Outdoor Recreational	0.1	378,450 ft ²	37,845 ft ²
Public	0.3	378,450 ft ²	113,535 ft ²
Light Industrial	0.3	378,450 ft ²	113,535 ft ²

NOTE: The density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

MIXED USE LAND USE DISTRICT DESIGNATION POTENTIAL DENSITY AND INTENSITY INCREASES

Lawfully established units and commercial floor area on Real Estate Numbers 00118420.000000 and 0011870.000000, are sited in the Letter of Development Rights Determination (Exhibit B), dated July 16, 2006. There is no development on RE 00117930.000000. It states "The Planning Department has determined that fifty-five (55) transient dwelling units and two (2) permanent dwelling units may be replaced, without going through the Residential Rate of Growth Ordinance (ROGO). Additionally, eleven thousand three hundred and twenty-three (11,323) ft² of nonresidential floor area may be rebuilt without going through the Nonresidential Rate of Growth Ordinance (NROGO)."

Market rate residential dwellings units in the Mixed Use Land Use District (MU LUDD), (without the corresponding Overlay District), may permit up to 163 dwelling units. Along the same line, affordable / employee housing units in the MU LUDD, (without the corresponding Overlay District), may permit up to 191 residential units.

Currently, there are 55 lawfully established transient ROGO allocations on the property. In the MU LUDD, (without the corresponding Overlay District), ten (10) hotel units per acre or a total of 105 transient units (10 units x 10.59 acres) are permitted. Additionally, 3.5 recreational rentals spaces / acre or a total of 38 spaces (3.5 x 10.59 acres) may be permitted. As a note, if additional transient units are to be developed above the lawfully established units, they will have to be transferred in from another site, consistent with the Comprehensive Plan and Land Development Code. Lastly, a maximum floor area ratio (FAR) of 569,690 ft² may be permitted.

In the MU LUDD, the density and intensity provisions are intended to be applied cumulatively so that no development shall exceed the total density limits.

The following table illustrates the potential increase in the density and intensity if the proposed amendment to Mixed Use Land Use District is adopted without the overlay district proposed simultaneously by Monroe County Staff.

MAXIMUM DENSITY / INTENSITY BY CURRENT LDRS WITHOUT OVERLAY					
Land Uses in the Mixed Use Land Use District Designation	Density/Intensity	Size of Site (upland)	Max Allowed	Existing Structures	Potential Increase in Density/Intensity
Hotel	10 Rooms per Acre	10.59 acres	105.90 rooms	55 transient	50 transient
Office	0.40	461,300.4 sq.ft.	184,520.16 sq.ft.	1,102 sq.ft.	183,418 sq.ft.
Marina	0.25	461,300.4 sq.ft.	115,325 sq.ft.	1,000 sq.ft.	114,325 sq.ft.
Perm. Residential	1 Units per Acre	10.59 acres	10.59 units	2 units	8 units
Commercial Retail - Medium	0.25	461,300.4 sq.ft.	115,325.35 sq.ft.	10,251 sq.ft.	105,074 sq.ft.
Recreational Rentals	10 Spaces per Acre	10.59 acres	105.90 Spaces	-	105 spaces
Commercial Fishing	0.40		184,520 sq.ft.		184,520 sq.ft.
	TOTAL CUMULATIVE DENSITY		210 transient, 10 market rate units	55 transient, 2 market rate units	155 transient, 8 market rate units
	TOTAL CUMULATIVE		569,690 ft²	12,353ft²	557,337ft²
Affordable / Employee Housing	18 units	10.59 acres	190.62 Units	2 units	191 Units

1
2 **VIII. CONSISTENCY WITH THE PRINCIPLES FOR GUIDING DEVELOPMENT IN**
3 **THE FLORIDA KEYS AREA PURSUANT TO F.S. CH. 380.0552(7)**
4
5

6 For the purposes of reviewing consistency of the adopted plan or any amendments
7 to that plan with the principles for guiding development and any amendments to
8 the principles, the principles shall be construed as a whole and no specific
9 provision shall be construed or applied in isolation from the other provisions.
10

- 11 a. To strengthen local government capabilities for managing land use and
12 development so that local government is able to achieve these objectives
13 without the continuation of the area of critical state concern designation.
- 14 b. To protect shoreline and marine resources, including mangroves, coral reef
15 formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- 16 c. To protect upland resources, tropical biological communities, freshwater
17 wetlands, native tropical vegetation (for example, hardwood hammocks and
18 pinelands), dune ridges and beaches, wildlife, and their habitat.
- 19 d. To ensure the maximum well-being of the Florida Keys and its citizens
20 through sound economic development.
- 21 e. To limit the adverse impacts of development on the quality of water
22 throughout the Florida Keys.
- 23 f. To enhance natural scenic resources, promote the aesthetic benefits of the
24 natural environment, and ensure that development is compatible with the
25 unique historic character of the Florida Keys.
- 26 g. To protect the historical heritage of the Florida Keys.
- 27 h. To protect the value, efficiency, cost-effectiveness, and amortized life of
28 existing and proposed major public investments, including:
- 29 1. The Florida Keys Aqueduct and water supply facilities;
30 2. Sewage collection and disposal facilities;
31 3. Solid waste collection and disposal facilities;
32 4. Key West Naval Air Station and other military facilities;
33 5. Transportation facilities;
34 6. Federal parks, wildlife refuges, and marine sanctuaries;
35 7. State parks, recreation facilities, aquatic preserves, and other publicly
36 owned properties;
37 8. City electric service and the Florida Keys Electric Co-op; and
38 9. Other utilities, as appropriate.
- 39 i. To limit the adverse impacts of public investments on the environmental
40 resources of the Florida Keys.

- j. To make available adequate affordable housing for all sectors of the population of the Florida Keys.
- k. To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
- l. To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

Staff finds proposed LUDD amendment consistent with the Principles for Guiding Development as a whole and not inconsistent with any one principle.

IX. IMPACT ON COMMUNITY CHARACTER

Sugarloaf Lodge was established in the 1960s and has continuously operated as a motel and restaurant to present day. The property has waterfront and provides dockage (marina) for guests staying at the Sugarloaf Lodge facilities and the general public.

The existing uses on the property consist of two commercial apartments, offices, restaurant and dockage with marina for motel guests. Staff determined there are four (4) existing lawfully-established non-residential structures on the parcel. In a letter of Development Rights Determination, dated August 9, 2006, staff determined there are 55 transient dwelling units located on RE 00118420.000000. Prior to April 9, 2008, a 24-unit motel stood on the property. Building Permit 08101303 was issued and the hotel was demolished.

The following structures have been lawfully established:

<i>Real Estate Number</i>	<i>Building</i>	<i>Exempt Units</i>	<i>Exempt Floor Area</i>
00118420.000000	Motel Office and Lobby	1 dwelling unit	1,102ft ²
	Motel – Eastern Wing	24 motel units	
	Marina		1,000ft ²
	Restaurant and Gazebo		5,286 ft ²
	Motel – Western Wing	31 motel units	
	Restaurant Gazebo		962 ft ²
00118470.000000	Mixed Use Building	1 dwelling unit	2,973ft ²
	TOTALS:	55 transient and 2 dwelling units	11,323ft²

The proposed Mixed Use Land Use District amendment is consistent with the overall intended land use characteristics appropriate for this geographic area. However, the density and intensity of the Mixed Use Land Use District are not characteristic of the existing, surrounding area, nor is it consistent with the vision or future proposed density and intensity of the area.

Below is an analysis of the possible effects a development in the Mixed Use land use district on 10.59 acres will have on public facilities and natural resources. These include traffic, parking and circulation, potable water, storm water, waste water, and solid waste. Potential development would also have an effect on natural resources including education, parks and open space.

Local Traffic, Parking and Circulation

The subject parcel is located on U. S. 1 in Lower Sugarloaf Key. Including Bat Tower Road, there are ample driveways available to enter into and exit out of the property. However, the property is only accessible by U.S. 1. Parking is available for all establishments on the three subject parcels. The local neighborhood roads have been well maintained.

The 2009 U. S. 1 Arterial Travel Time and Delay Study for Monroe County indicates a LOS of "D" on Sugarloaf Key (MM 16.5 to MM 20.5). U.S. Highway No. 1 is required to maintain a level of service (LOS) of "C" in order to support additional development. However, county regulations and FDOT policy allow segments that fail to meet LOS C standards to receive a traffic allocation not to exceed 5% below the LOS C standard. Sugarloaf Key has reserve capacity within the 5% allocation. The resulting flexibility will allow a limited amount of additional land development to continue until traffic speeds are measured again next year or until remedial actions are implemented. This segment is a candidate for being designated either "backlogged" or "constrained" by FDOT. Applications for new development located within backlogged or constrained segments are required to undergo a thorough traffic analysis as part of the review process.

A thorough traffic analysis is required as part of the review process and will be considered when or if a development application is submitted.

FDOT is in the process developing turn lanes. These turn lanes historically improve the traffic circulation.

Potable Water

In March 2008, South Florida Water Management District (SFWMD) approved the FKAA's modification of WUP 13-00005-5-W for a 20-year allocation from the Biscayne and Floridian Aquifers. The WUP provides an annual allocation of 8,751 Million Gallons (MG) or 23.98 MGD and a maximum monthly allocation of 809 MG with a limited annual withdrawal from the Biscayne Aquifer of 6,492 MG or 17.79 MGD and an average dry season (December 1st-April 30th) of 17.0 MGD. The overall level of service for potable water is 132 gallons per capita/per/day.

Maximum Residential = 156 DU X 2.1 (household size in people) = 328; 328 X 132 pounds per capita per day = 43,243 gallons per day

1 Stormwater

2 MCC Section 114-3, titled '*Surface Water Management Criteria*', establishes guidelines
3 and criteria for the safe management and disposal of stormwater runoff from developed
4 areas that will minimize or eliminate any resultant adverse impacts on the surface water,
5 groundwater, and other natural resources of the county. Any change in the use of the
6 property must comply with State and Federal regulations as well as the Monroe County
7 Code, the Monroe County Comprehensive Plan and the Livable CommuniKeys Plans.
8

9 Wastewater

10 Currently, any permitted or replacement on-site or wastewater treatment facility with a
11 design flow of less than or equal to 100,000 gpd within the County must comply with the
12 10/10/10/1 Best Available Technology (BAT) standard, as well as require approval from
13 the Monroe County Health Department and / or the Department of Environmental
14 Protection. Any proposed development associated with the proposed amendment will be
15 subject to this provision or will be mandated to hook up to the central sewer system when
16 it is available. The level of service (LOS) for residential and nonresidential flow is 145
17 gallons per day per equivalent dwelling units (Exhibit 3-8 Sanitary Wastewater Master
18 Plan 2000).
19

20 Maximum Residential = $156 \times 145 = \underline{22,620 \text{ gallons per day}}$
21

22 Solid Waste (Comprehensive Plan Policy 801.1.1)
23

24 Monroe County has a solid waste haul out contract with Waste Management LLC, which
25 authorizes the use of in-state facilities through September 20, 2016, thereby providing the
26 County with approximately eight (8) years of guaranteed capacity.
27

28 Maximum Residential = $156 \text{ DUs} \times 2.1 \text{ (household size in people)} = 328; 346 \times 5.44$
29 $\text{pounds per capita per day} = \underline{1,784 \text{ pounds per day}}$
30

31 Maximum Nonresidential = $12.2 \text{ pounds per day per equivalent residential unit} \times 10.86$
32 $\text{acres} = \underline{133 \text{ pounds per day}}$
33

34 TOTAL = $1,784 + 133 \text{ pounds per day} = \underline{1,917 \text{ pounds per day}}$
35

36 Effect on Natural Resources

37 The subject parcels applicable to the proposed amendment are mostly scarified or have
38 been previously cleared. No additional clearing is anticipated. Effects on natural
39 resources for the proposed amendment are not anticipated.
40

41 Effects on Redevelopment/Infill Potential

42 The proposed area is cleared, scarified and developed. Objective 102.3.1 of the Monroe
43 County Year 2010 Comprehensive Plan directs the County to encourage infill
44 development where existing lands are already substantially developed, served by
45 complete infrastructure facilities and within close proximity to established commercial

1 areas and have few sensitive or significant environmental features. The proposed LUDD
2 amendment will encourage infill development to remain on already existing developed
3 land.
4

5 Effects on Public Facilities (Comprehensive Plan 801.1.1)

6 Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the
7 County to direct future growth away from environmentally sensitive land and towards
8 established development areas served by existing public facilities. In a Request for an
9 Amendment to a Minor Conditional Use Permit, dated June 9, 2008, it was determined
10 that Sugarloaf Lodge currently operates an existing sewage treatment plant under DEP
11 permit FLA 014893. The proposed LUDD amendment will affect public facilities.
12

13 The proposed LUDD amendment will not affect Objective 101.11 and will encourage
14 development to remain on disturbed lands rather than encroaching on environmentally
15 sensitive areas.
16

17 Education

18 All public schools are under the purview of Monroe County Board of Education
19 including all capital expenditures relating to facilities improvements or additional
20 development of education facilities. Per the 2008 Monroe County Public Facilities
21 Capacity Assessment Report, the Monroe County requirements are that classroom
22 capacity be "adequate" to accommodate the school-age children generated by proposed
23 land development. The School Board uses recommended capacities provided by the
24 Florida Department of Education to determine each school's capacity. All schools have
25 adequate reserve capacity to accommodate the impacts of the additional land
26 development activities projected for the next school year.
27

28 Parks and Recreation / Open Space

29 The County has adopted an overall level of service, pursuant to Comprehensive Plan
30 Policy 1201.1.1, for resourced-based and activity-based recreation and open space of 0.82
31 acres of per 1,000 persons (functional population). As of 2008, there was 60.49 acres of
32 resourced based parks and 33.29 acres of activity based parks available in reserve in the
33 lower keys. If development occurs at 156 single family residential dwelling units and 2.1
34 per capita, there would be an additional 328 people located on this property. The
35 increase would take up 0.27 acres of recreation. The LUDD would not affect parks and
36 recreation or open space.
37

1 **SUMMARY**

2 By adopting the proposed land use district amendment, the auto body repair shop and the
3 real estate office will come into conformity with the land use. The subject parcels are
4 scarified and mainly developed. The Sugarloaf Lodge and its structures have been in
5 place since the 1960s. County staff had determined the majority of the structures are
6 lawfully established. The main parcel currently does not have a Tier designation, while
7 the other two parcels are in Tier 1 and Tier 3 designations. The area is in the Marsh
8 Rabbit Buffer, but not in the habitat. However, the overall density and intensity far
9 exceeds the characteristic of the existing, surrounding area.

10
11 A corresponding text amendment to the Monroe County Land Use Code Section 130-131
12 creating the Lower Sugarloaf Key Community Center Overlay District is being
13 recommended for approval prior to this proposed amendment.

14
15 **X. RECOMMENDATION**

16 Staff recommends approval to the proposed land use district amendment from NA, SR
17 and DR LUDD to MU LUDD on the 10.59 acres of land.
18
19